

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FRACTUS, S.A.,	§	CIVIL ACTION NO. 2:18-CV-00135-JRG LEAD CASE
Plaintiff,	§	
v.	§	
AT&T MOBILITY LLC,	§	
	§	
SPRINT COMMUNICATIONS COMPANY, L.P., SPRINT SPECTRUM, L.P., SPRINT SOLUTIONS, INC., NEXTEL OPERATIONS, INC.,	§	CIVIL ACTION NO. 2:18-CV-00136-JRG MEMBER CASE
	§	
	§	
	§	
	§	
T-MOBILE US, INC., T-MOBILE USA, INC.,	§	CIVIL ACTION NO. 2:18-CV-00137-JRG MEMBER CASE
	§	
	§	
	§	
	§	
VERIZON COMMUNICATIONS INC., CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,	§	CIVIL ACTION NO. 2:18-CV-00138-JRG MEMBER CASE
Defendants.	§	
	§	
	§	
	§	

ORDER


The Court issues this Order *sua sponte*. Before the Court is the Parties' Joint Motion for Entry of Order Focusing Asserted Claims and Prior Art. (Dkt. No. 110.) The Parties¹ are hereby **ORDERED** to file supplemental briefing regarding the following issues within the context of these cases: (1) whether an intervenor is entitled to the same rights as a joined party (i.e., a named defendant) and if not, what are the distinctions; (2) whether a plaintiff can assert a separate

¹ For the purposes of this Order, Plaintiff Fractus, S.A. ("Fractus"), Defendant AT&T Mobility, LLC ("AT&T"), Defendants Sprint Communications Company, L.P., Sprint Spectrum, Sprint Solutions, Inc., and Nextel Operations (collectively, "Sprint"), Defendants T-Mobile US, Inc. and T-Mobile USA, INC (collectively, "T-Mobile"), Defendants Verizon Communications and Cellco Partnership d/b/a Verizon Wireless (collectively, "Verizon"), Defendant-Intervenor CommScope Technologies, LLC, and Defendant-Intervenor CellMax Technologies AB may **each** file such supplemental briefing.

infringement claim against an intervenor (i.e., not in conjunction with a claim against a named defendant); and (3) whether an intervenor can independently assert a claim for declaratory judgment against a plaintiff.

Such briefing shall be limited to not more than fifteen (15) pages and must be submitted within three (3) days of this Order.

So ORDERED and SIGNED this 23rd day of January, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE